

## **REMARKS**

Claims 1-10, 12, 16, 20 and 26-37 are all of the pending claims, with claims 1, 12, 16 and 20 being written in independent form. By virtue of this Amendment, Applicant cancels claims 11, 13-15, 17-19 and 21-25, without prejudice or disclaimer, for being drawn to a non-elected invention. Applicant also adds new claims 26-37 to recite various features of the invention.

### **I. Restriction Requirement:**

As requested by the Examiner, Applicant affirms the election, without traverse, to prosecute the invention of Group 1, claims 1-10, 12, 16 and 20. New claims 26-37 are drawn to the invention of Group 1.

### **II. Specification:**

The Examiner objects to the Abstract because it exceeds 150 words in length. Applicant has appropriately amended the Abstract. If further amendments to the Abstract are believed necessary, the Examiner is invited to contact the undersigned to discuss the same.

### **III. Claim Rejections on Prior Art Grounds:**

The Examiner rejects claims 1, 2, 9, 10, 12, 16 and 20 under 35 U.S.C. §102(b) as being anticipated by US Patent Application Pub. No. 2003/0004659 to Hayashi et al. ("Hayashi"); and claims 3 and 10 under 35 U.S.C. §103(a) as being obvious over Hayashi in view of US 6,425,038 to Sprecher ("Sprecher") and US Patent Application Pub. No. 2002/0033020 to Tonomura et al. ("Tonomura"). Applicant respectfully traverses all of these rejections in view of the following remarks.

#### **A. Independent Claim 1:**

Independent claim 1 defines a method that involves (among other things) *"transmitting ... a request for a transmission of generated power quantity information,"*

*“transmitting the generated power quantity information ... in response to the request,”* and *“deciding a timing to transmit a request for a transmission of generated power quantity information.”* Example, non-limiting embodiments of these features are discussed throughout the instant specification. For example, the Examiner’s attention is respectfully directed to page 29 (lines 11+), which describes the method schematically illustrated in Fig. 5. According to the method defined by claim 1, a managing device can restrain a peak value of the quantity of incoming generated power quantity information. At least the *“request-reply-decide”* features (as recited in independent claim 1), in combination with the other features recited in independent claim 1, are not taught or suggested by the prior art.

The Examiner relies heavily upon the Hayashi reference to teach each and every feature of the invention defined by claim 1. Although not expressly indicated, the Examiner apparently compares Hayashi’s service center 1 and power generation unit 41 to the claimed managing device and power generator, respectively. This rejection position is not convincing for the following reasons.

With reference to Fig. 1 of Hayashi, Applicant acknowledges that the disclosed installation includes power generation units 41, 42, 51, 52 (and a command center 3) that transmit information over a network 6 to the service center 1. However, the power generation units (and the command center 3) do **not** transmit information in response to a request from the service center 1.

As shown in Fig. 2, the power generation unit 41 includes a process value transmission unit 417 for performing communication. The process value transmission unit 417 transmits process data to the communication network 6.<sup>1</sup> Hayashi’s straightforward disclosure goes on to explain that when the process value transmission unit 417 transmits process data via the communication network 6 to the service center 1, the service center 1 obtains the process data and transfers it to a database.<sup>2</sup> Certainly then, the power generation unit 41 does not transmit information to the service center 1 in response to a request from the service center 1.

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<sup>1</sup> Hayashi, paragraph [0049].

<sup>2</sup> Hayashi, paragraph [0051].

Somewhat similarly, Hayashi indicates that the command center 3 transmits power demand information to the service center 1.<sup>3</sup> In response, the service center 1 transmits operation plan information back to the command center 3. Certainly then, the command center 3 does not transmit information to the service center 1 in response to a request from the service center 1.

Further bolstering Applicant's position is the fact that Hayashi does not even mention that the service center 1 transmits a request for transmission of information (of any kind) to the powered generation unit 41 or the command center 3.

Turning to the next point, Hayashi expressly indicates that the power generation units 41, 42, 51, 52 and the command center 3 transmit information to the service center 1 in a "*predetermined cycle*."<sup>4</sup> Certainly then, the service center 1 does not decide a timing to transmit a request, as claimed.

Finally, Hayashi discloses that each electric power generator sends an information of the specification of the electric power generator as a plant data to the service center 1 and that the service center 1 makes a plan concerning when and which electric power generator is to work based on the information.

Meanwhile, in the present application, each electric power generator sends an information of the amount of electric power actually made by the electric power generator to the managing device. To avoid crowdedness of communication because many electric power generators may send the information simultaneously, the managing device makes timings of transmitting the informations disperse.

As demonstrated above, independent claim 1 recites features that are practically and conceptually different than Hayashi. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the raised anticipation rejection.

**B. Independent Claim 12:**

Independent claim 12 is somewhat similar to claim 1 to the extent that claim 12 recites (among other things) "*transmitting ... a request for a transmission of generated*

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<sup>3</sup> Hayashi, paragraph [0054].

<sup>4</sup> Hayashi, paragraphs [0053] and [0054].

*power quantity information*” and “*deciding a timing to transmit a request.*” Accordingly, claim 12 is believed to be patentable for reasons analogous to those noted above with respect claim 1.

**C. Independent Claim 16:**

Independent claim 16 is somewhat similar to claim 1 to the extent that claim 16 recites (among other things) “*receiving a request for a transmission*” and “*transmitting generated power quantity information ... in response to the request.*” Accordingly, claim 16 is believed to be patentable for reasons analogous to those notes above with respect to claim 1.

**D. Independent Claim 20:**

Independent Claim 20 is somewhat similar to claim 1 to the extent that claim 20 recites (among other things) “*receiving a request for a transmission*” and “*transmitting generated power quantity information ... in response to the request.*” Accordingly, claim 20 is believed to be patentable for reasons analogous to those noted above with respect to claim 1.

**IV. Prior Art Citations:**

At numbered paragraph 14 of the Office Action, the Examiner lists five references that are not relied upon but are considered pertinent to applicant’s disclosure. Applicant respectfully requests the Examiner to list all five references on a PTO-892 form to make the same formally of record.


**CONCLUSION**

In view of the above, Applicant earnestly solicits reconsideration and allowance of all of the pending claims.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,  
HARNESS, DICKEY, & PIERCE, P.L.C.

By:  \_\_\_\_\_  
Ray Heflin, Reg. No. 41,060

P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

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